IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Second Appeal NO.511 OF 2003.

Smt.Urmila w/o.Vinodkumar Patel
& Others ..Appellants

Versus

Popat Shankar Bhagunde
through his legal heirs
Kushabai w/o.Popat Bhagunde & Ors. ..Respondent

Mr.V.S.Gokhale for the appellants

CORAM: S.R.SATHE, J.

DATE : 26th August, 2005

P.C.

1. Heard learned Advocate for the Appellant.

2. The plaintiff filed suit for possession of encroached land admeasuring 15 ares. The trial court held that the plaintiff has no title to the land in question and that the plaintiff has failed to prove the alleged encroachment. Hence plaintiff’s suit was dismissed. The First Appelate Court also came to the same conclusion and also held that the suit is barred by provisions of Order 1 Rule 7 and Order 7 Rule 3 of C.P.C.

3. On facts, both the courts below held that

plaintiff has failed to prove his title to the suit land and the alleged encroachment. The said findings are borne out from the evidence on record. It is pertinent to note that the plaintiff could not adduce any definite evidence as to who actually committed the alleged encroachment. There is no perversity in the same. No substantial question of law is involved in the matter. Hence the Second Appeal is dismissed in limini.

(S.R.Sathe, J.)